

ORDINANCE NO. A-155

**AN ORDINANCE TO PROHIBIT THE USE OF SMOKING MATERIALS
IN CERTAIN BUILDINGS WITHIN THE CITY LIMITS OF
THE CITY OF TUSCUMBIA, ALABAMA**

WHEREAS, the United States Surgeon General has concluded that involuntary smoking is a cause of disease, including lung cancer, in non-smokers; and

WHEREAS, the United States Environmental Protection Agency has released its report on the harmful effects of secondhand smoke and the critical need for regulations to protect the non-smokers health; and

WHEREAS, the Environmental Protection Agency has labeled secondhand smoke a Class A carcinogen which is EPA's most dangerous category of cancer causing substances; and

WHEREAS, the simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to environmental tobacco smoke; and

WHEREAS, the City Council of the City of Tuscumbia, Alabama, finds that it is necessary to prohibit smoking in certain buildings to protect the public safety, health and welfare of its citizens and its employees.

BE IT ORDAINED by the City Council of the City of Tuscumbia, Alabama, as follows:

Section 1. This ordinance shall apply to the use of smoking materials inside or within twenty (20') feet of the entrance of any building or structure within the municipal limits of the City of Tuscumbia, Alabama, which is owned, leased or otherwise used or occupied by the City of Tuscumbia, Alabama or any of its various departments or offices, including but not limited to the

following: city hall, building department, street and sanitation department, Senior Citizen Center, Multi Purpose Center, Willie Green Center, Valdosta Community Center, library, police and fire stations.

Section 2. For purposes of this ordinance, the following terms shall be defined as follows:

(a) "Smoking" shall mean the carrying, holding, possession or use of lighted smoking materials.

(b) "Smoking materials" shall mean any material used for smoking, including, but not limited to cigarettes, cigars, pipes or any other tobacco product or substance used for the purpose of smoking.

Section 3. Smoking shall be and is hereby unlawful and prohibited in all areas specified in Section 1 hereof, unless otherwise provided herein.

Section 4. The Mayor shall direct appropriate city officials or employees to prominently post, in all buildings or structures subject to the terms of this ordinance, the international "NO SMOKING" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it. The sign shall be posted at all entrances of all buildings covered by this ordinance. Other signs indicating the prohibition against smoking may also be posted as deemed appropriate, but in no case shall the lack of any of the signs provided for in this section be a defense to violation of this ordinance.

Section 5. Any person who smokes in an area where the same is prohibited by the terms of this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine of not less than \$10.00 nor more than \$500.00, plus court costs. Each separate instance of smoking

shall constitute a separate offense.


Section 6. Should any section, subsection, or provision hereof be declared invalid or unconstitutional by any court of competent jurisdiction, the same shall not affect any other section, subsection, or provision hereof.

This ordinance shall become effective after its passage and publication as required by law.

PASSED and ADOPTED this the 23rd day of November, 1998.


DEAN MCCORMACK, MAYOR

ATTEST:


FLORA HANBACK
CITY CLERK